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In re Patent No. 7,011,976
Issue Date : March 14, 2006
Application No. 09/509,591
Filed: June 2, 2000
Patentee(s): Andrew S. Little, et. al.

OFFICE OF PETITIONS

: DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.183 filed by facsimile transmission on September 1, 2006, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the assignee's name and data on the front page of the above-identified patent by way of a certificate of correction.

The petition is again **DISMISSED**.

Petitioner requests issuance of a Certificate of Correction in the name of "Cell Genesys, Inc., **South San Francisco, CA**," instead of "Cell Genesys, Inc., **Foster City, CA**," because the assignee has since moved. 37 CFR 3.81(a) permits the patent to issue to the assignee, provided that, at the time the issue fee is paid, the name of an assignee is provided. 37 CFR 3.81(b) permits the patent to issue in the name of an assignee if the assignment was submitted after payment of the issue fee, but recorded ***prior to issuance of a patent***.

Since there is no assignment, recorded prior to issuance of this patent, that shows the assignee's data as "**South San Francisco, CA**," a certificate of correction is not proper. However, petitioner is entitled to receive a Certificate of Correction in the name of "Cell Genesys, Inc., **Foster City, CA**," as recorded prior to issuance, at reel 012243 and frame number 0012.

Should petitioner desire to receive a Certificate of Correction in the name of the assignee and data as "Cell Genesys, Inc., **Foster City, CA**," a renewed petition and corrected Certificate of Correction form PTO/SB/44 must be submitted.

This application file is being referred to Files Repository.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

¹ See Official Gazette of June 22, 2004